

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

CENTURY 21 REAL ESTATE LLC,

Civil Action No. 08-CV-00247

Plaintiff,

vs.

A TRI CITY REALTY, INC. d/b/a CENTURY
21 TRI CITY REALTY,
SUSAN K. MARTELL and
ALICE YODER-WHITMORE,

Defendants.

ORDER FOR DEFAULT JUDGMENT

In accordance with Plaintiff Century 21 Real Estate LLC's ("Century 21") motion, the Court, having considered the pleadings and documents on file, finds as follows:

1. This is an action for breach of contract. Defendant A Tri City Realty, Inc., d/b/a Century 21 Tri City Realty ("Tri City"), entered into a franchise agreement with Century 21. Susan K. Martell ("Martell") executed a guaranty of payment and performance of Tri City's obligations under the franchise agreement. Tri City and Martell have failed and refused to pay amounts due and owing under the franchise agreement.

2. An Order of Default was entered on July 29, 2008, adjudging Tri City and Martell to be in default.


3. Based upon the undisputed facts, the Court finds that \$265,635.39 is due and owing to Century 21, pursuant to the terms of the franchise agreement. This amount is inclusive of costs and attorneys' fees demanded in the Complaint.

4. The Court finds that plaintiff is entitled to default judgment against the defendants, A Tri City Realty, Inc., d/b/a Century 21 Tri City Realty and Susan K. Martell in the amount of \$265,635.39 as a matter of law.

JUDGMENT

It is ORDERED that default judgment be entered against A Tri City Realty, Inc., d/b/a Century 21 Tri City Realty and Susan K. Martell, consistent with the findings set forth above.

DATED this 20 day of February, 2009.



BARBARA B. CRABB
UNITED STATES DISTRICT JUDGE